



PATENT
Attorney Docket 044921-5029-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231



**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventors: William E. MUNGER; Prakash KULKARNI;
Robert H. GETZENBERG, Iwao WAGA
and Jun YAMAMOTO.

For: **Identifying Drugs for and Diagnosis of Benign Prostatic
Hyperplasia Using Gene Expression Profiles**

1. This is a new Utility patent application.
2. The papers enclosed to obtain a filing date are as follows:
 - 65 Pages of Specification including
 - 26 Pages of Description
 - 32 Pages of Tables
 - 07 Pages of Claims
 - 01 Page of Abstract
 - 06 Sheets of Informal drawings containing 06 Figures
 - 369 Pages of Sequence Listing
3. Combined Declaration and Power of Attorney
 - ☐ Enclosed and is executed by all inventors.
 - ☒ Not Enclosed - this application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
4. Language
 - ☒ English
 - ☐ Non-English

This application is being filed in accordance with 37 C.F.R. § 1.52(d) and § 608.01 of the MPEP. Applicant awaits notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.
5. Assignment
 - ☐ An assignment of the invention to:
and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☒ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign applications is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
| | | |

Certified copies: ☐ are attached. ☐ will follow.

6. Priority based on provisional applications - 35 U.S.C. § 119(e)

☒ Priority of the following provisional applications are claimed:

| Application No. | Filed |
|-----------------|----------------|
| 60/223,323 | August 7, 2000 |

7. Small Entity Status

Name of Concern:

Address of Concern:

☐ I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e), for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled

8. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS FOR FEE CALCULATION | | | | |
|---------------------------------------------|--------------|--------------|----------------|--------------------|
| | Number Filed | Number Extra | at Rate of | Basic Fee \$710.00 |
| Total Claims | == - 20 = | == | \$18.00 each = | += |
| Independent Claims | == - 3 = | == | \$80.00 each = | += |
| Multiple dependent claims, if any | | | \$270.00 | += |
| SUB-TOTAL | | | | = |
| Reduction by ½ for filing by a small entity | | | | - |
| TOTAL FILING FEE | | | | \$ |

9. Application Filing Fee and Fee Payment:

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| | |
|----------------|------------------------------|
| \$==.00 | Application Filing Fee |
| \$==.00 | Excess Total Claim Fee |
| \$==.00 | Excess Independent Claim Fee |
| <u>\$==.00</u> | Multiple Claim Fee |
| \$==.00 | Total |

A check in the amount of \$==.00 for payment of the application filing fee is enclosed.

10. Additional papers enclosed:


- ☒ Sequence Listing - 368 pages
- ☒ Diskette with computer readable copy of Sequence Listing
- ☒ Statement Accompanying Sequence Listing - 1 page

11. **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).

12. Please accord this application an application number and filing date.

Dated: **June 5, 2001**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1800 M Street, N.W.
Washington, D.C. 20036
202-467-7000
202-467-7258

Respectfully submitted
Morgan, Lewis & Bockius LLP



Michael S. Tuscan
Registration No. 43,210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
William E. Munger et al.)
)
Application No.:) Group Art Unit: Unassigned
(based on 60/223,323))
)
Filed: June 5, 2001) Examiner: Unassigned
)
For: IDENTIFYING DRUGS FOR AND DIAGNOSIS)
OF BENIGN PROSTATIC HYPERPLASIA)
USING GENE EXPRESSION PROFILES)

Commissioner for Patents
Washington, D.C. 20231

BOX SEQUENCE

STATEMENT ACCOMPANYING SEQUENCE LISTING

Dear Sir:

The undersigned hereby states upon information and belief that the Sequence Listing submitted concurrently herewith does not include matter which goes beyond the content of the application as filed and that the information recorded on the diskette submitted concurrently herewith is identical to the written Sequence Listing submitted herewith.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Dated: 2001-06-05

By: Rosanne Kosson
Rosanne Kosson
Reg. No. 46,840

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